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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/440,693	11/16/1999	AVERY FONG	5244-0108-2	3302
22850	7590	06/29/2004	EXAMINER	
OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			ANYA, CHARLES E	
			ART UNIT	PAPER NUMBER
			2126	

DATE MAILED: 06/29/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/440,693

Applicant(s)

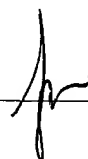
FONG ET AL.

Examiner

Charles E Anya

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 April 2004.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-48 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-5, 8-15, 18-25, 28-35 and 38-48 is/are rejected.
7) ☒ Claim(s) 6, 7, 16, 17, 26, 27, 36 and 37 is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. Claim 1-48 are pending in this application.

Claim Objections

2. Claim 41 is objected to because of the following informalities:

Claim 41 appears to include typographical error on line 8 of page 9. For the purpose of this office action the examiner would insert "data;" after "monitored".

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 5,6,15,16,25,26,35 and 36 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

5. Claims 5,6,15,16,25,26,35 and 36 include the phrase and word "substantially every time" and "substantially" respectively. This word makes the claims unclear and indefinite. It is uncertain whether it happens every time or once a while.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and

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the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claim 1-5,10,11-15,20,21-25,30,31-35 and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Pat. No. 5,675,510 to Coffey et al. in view of U.S. Pat. No. 5,333,302 to Hensley et al.

8. As to claim 1, Coffey teaches a system comprising: a target application implemented as a computer code device configured to control the interface of the application unit (Windows User Module 22 Col. 6 Ln. 11 – 27), a monitoring unit configured to monitor data from the target application corresponding to selecting at least one key of the interface by the user while the target application is in use (RITA Module 23 Col. 6 Ln. 21 – 38), and to generate a log of the monitored data including data corresponding to the at least one key selected by the user, a dynamic linked library for interfacing between the target application and the monitoring unit (“...HOOKS DLL...” Col. 6 Ln. 25 – 29) and a communicating unit configured to receive the log of the monitored data and to communicate the log of the monitored data (Col. 5 Ln. 15 – 23, RITA Logging Subsystem 24 Col. 6 Ln. 27 – 31).

9. Although Coffey discloses events selectable on a user interface (Col. Ln. 8 – 13), Hensley explicitly teaches an interface of an application unit, including a plurality of operations to be selected by a user (Col. 3 Ln. 1 – 14).

10. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Hensley and Coffey because the

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teaching of Hensley would improve the system of Coffey by providing a graphical user interface for user-friendly interactivity.

11. As to Claim 2, Hensley teaches a system according to Claim 1, wherein the interface is a display screen on a computer monitor controlled by the target application (Col. 3 Ln. 1 – 14).

12. As to claim 3, Hensley teaches system according to Claim 1, wherein the application unit is an image forming device and the interface is an operation panel of the image forming device (Col. 2 Ln. 46 – 67, Col. 3 Ln. 1 – 14: NOTE: The computer system of Hensley is an image forming device).

13. As to claim 4, Hensley teaches a system according to Claim 1, wherein the application unit is an appliance and the interface is an operation panel of the appliance Col. 2 Ln. 46 – 67, Col. 3 Ln. 1 – 14: NOTE: The computer system of Hensley is an image forming device).

14. As to claim 5, Although Coffey does not explicitly teach a system according to Claim 1, wherein the communicating unit sends the log of the monitored data when the user exits the target application substantially every time, he does teach transmitting monitored data due to "...predetermined criteria..." (Col. 5 Ln. 17 – 24). With this teaching one of ordinary skill in the art would have known at the time of the invention to

implement the system of monitoring and logging data to include logging monitored data when a user exits the application.

15. As to claim 10, Coffey teaches a system according to Claim 1, wherein the communicating unit communicates the log of the monitored data by Internet mail (Col. 5 Ln. 17 – 20).

16. As to claims 11 – 15 and 20, see the rejection of claims 1 – 5 and 10 respectively.

17. As to claims 21 – 25 and 30, see the rejection of claims 1 – 5 and 10 respectively.

18. As to claims 31 – 35 and 40, see the rejection of claims 1 – 5 and 10 respectively.

19. **Claims 8,9,18,19,28,29,38,39 and 41-48 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Pat. No. 5,675,510 to Coffey et al. in view of U.S. Pat. No. 5,333,302 to Hensley et al. as applied to claim 1 above, and further in view of U.S. Pat. No. 6,167,358 to Othmer et al.**

20. As to claim 8, Coffey as modified by Hensley is silent with respect to a system according to Claim 1, wherein the log of monitored data is in a form of a map with a key and a data value both containing string data.

21. Othmer teaches a system according to Claim 1, wherein the log of monitored data is in a form of a map with a key and a data value both containing string data (figure 9 Col. 16 Ln. 46 – 67).

22. It would have been obvious to one of ordinary skill in the art the time the invention was made to combine the teachings of Othmer, Coffey and Hensley because the teaching of Othmer of having data in a form of a map would improve the system of Coffey and Hensley to be more user friendly by permitting the selection of key/value pairs (Col. 16 Ln. 65 – 67).

23. As to claim 9, Othmer teaches a system according to Claim 8, wherein the data value includes vectors which contain string data (figure 9 Col. 16 Ln. 46 – 67).

24. As to claims 18,28 and 38, see the rejection of claim 8 above.

25. As to claims 19,29 and 39, see the rejection of claim 9 above.

26. As to claim 41, Coffey teaches a system comprising: a target application implemented as a computer code device configured to control the interface of the application unit (Windows User Module 22 Col. 6 Ln. 11 – 27), a monitoring unit

configured to monitor data corresponding to at least one key of the interface by the user and to generate a log of the monitored data (RITA Module 23 Col. 6 Ln. 21 – 38), a dynamic linked library for interfacing between the target application unit and the monitoring unit (“...HOOKS DLL...” Col. 6 Ln. 25 – 29), and a communicating unit configured to receive the log of the monitored tiara and to communicate the log of the monitored data including data corresponding to the at least one key selected by the user (Col. 5 Ln. 15 – 23, RITA Logging Subsystem 24 Col. 6 Ln. 27 – 31).

27. Although Coffey discloses events selectable on a user interface (Col. Ln. 8 – 13), Hensley explicitly teaches an interface of an application unit, including a plurality of operations to be selected by a user (Col. 3 Ln. 1 – 14).

28. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Hensley and Coffey because the teaching of Hensley would improve the system of Coffey by providing a graphical user interface for user-friendly interactivity.

29. Coffey as modified by Hensley is silent with reference to the log of monitored data being in a form of a map with a key and a data value both containing string data.

30. Othmer teaches the log of monitored data being in a form of a map with a key and a data value both containing string data (figure 9 Col. 16 Ln. 46 – 67).

31. It would have been obvious to one of ordinary skill in the art the time the invention was made to combine the teachings of Othmer, Coffey and Hensley because the teaching of Othmer would improve the system of Coffey and Hensley by permitting the selection of key/value pairs (Col. 16 Ln. 65 – 67).

32. As to claim 42, Othmer teaches a system according to Claim 41, wherein the data value includes vectors which contain string data (figure 9 Col. 16 Ln. 46 – 67).

33. As to claims 43,45 and 47, see the rejection of claim 41.

34. As to claims 42,46 and 48, see the rejection of claim 42.

Allowable Subject Matter

35. Claims 6,7,16,17,26,27,36 and 37 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

36. Applicant's arguments with respect to claims 1 - 48 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles E Anya whose telephone number is (703) 305-3411. The examiner can normally be reached on M-F (8:30-6:00) First Friday off.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, An Ming-Ai can be reached on (703) 305-9678. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Charles E Anya
Examiner
Art Unit 2126

cea.



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